

REMARKS/ARGUMENTS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided.

Upon entry of the above amendments, claims 1, 4, 6, 9, 10 and 13-17 will have been amended. Claims 1-4 and 6-17 are currently pending. Applicant respectfully requests reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner rejected claims 1-4 (*presumably the Examiner means 1-3*) and 6-8 under 35 U.S.C. § 103(a) as being unpatentable over JP 2000-051966 (JP '966) in view of ANDRUSCH (U.S. Patent No. 5,111,723).

Without acquiescing to the propriety of the Examiner's rejection, claims 1 and 6 have been amended solely in order to expedite prosecution of the present application.

In this regard, Applicant submits that none of the applied prior art, alone or in any properly reasoned combination, discloses each and every element as recited in amended claims 1 and 6 (i.e., even assuming, arguendo, that the applied references have been properly combined).

In particular, claim 1 recites a die body including, inter alia, an inflow port through which compressed fluid flows into the fluid injection ports, wherein the inflow port is positioned above an outlet of the fluid injection ports with respect to a vertically extending direction of the die body.

In setting forth the rejection, the Examiner asserts that JP '966 discloses, *inter alia*, a die body 6 and fluid supply holes 9 and 13. However, the Examiner acknowledges that JP '966 does not disclose the presently claimed seal and die body having a core.

Nevertheless, the Examiner asserts that ANDRUSCH discloses, inter alia, the presently claimed die body having core. However, Applicant submits that the presently claimed invention is very different structurally from the devices of the applied prior art. More specifically, Applicant submits that ports 9 and 13 of JP '966, which the Examiner considers to be the presently claimed inflow port, are positioned beneath port 3.

Thus, Applicant submits that JP '966 and ANDRUSCH, alone or in any properly reasoned combination, do not disclose at least the presently claimed inflow port being positioned above an outlet of the fluid injection ports (which is configured to introduce fluid downwardly into the discharge hole) with respect to a vertically extending direction of the die body, as recited in amended claim 1.

Applicant further submits that independent claim 6, as amended, is generally similar to independent claim 1 in that it generally recites, inter alia, an inflow port configured to introduce compressed fluid into the inclined air injection hole, wherein the inflow port is positioned above an outlet of the air injection hole with respect to a vertically extending direction of the die body. Therefore, claim 6 is allowable for at least reasons generally similar to claim 1 as discussed *supra*.

In the Official Action, the Examiner rejected claims 4 and 9-17 under 35 U.S.C. § 103(a) as being unpatentable over KEYES (U.S. Patent No. 3,710,666) in view of BEZAMA (U.S. Patent No. 5,907,985).

Without acquiescing to the propriety of the Examiner's rejection, claims 4 and 13-17 have been amended solely in order to expedite prosecution of the present application.

In this regard, Applicant submits that none of the applied prior art, alone or in any properly reasoned combination, discloses each and every element as recited in amended claims 4

and 13-17 (i.e., even assuming, arguendo, that the applied references have been properly combined).

In particular, claim 4 recites a die body including, inter alia, a die mounting hole being provided with a seal member at an upper portion and a lower portion which prevents the compressed fluid from leaking, wherein the seal member is positioned within a recess surrounding the upper and the lower portion of the die mounting hole.

In setting forth the rejection, the Examiner asserts that KEYES discloses a die body 25 having a die hole 26 and a lower portion of the die hole forming a discharge hole. The Examiner acknowledges that KEYES does not disclose, inter alia, a seal and a separate core.

Nevertheless, the Examiner asserts that BEZAMA discloses the presently claimed seal. More specifically, the Examiner considers the engagement surfaces (*i.e.*, interfaces 25 and 41) of the device of BEZAMA to be equivalent to the presently claimed seal. Contrary to the Examiner's assertions, Applicant submits that the aforementioned engagement surfaces are merely engagement surfaces of the nozzle.

Thus, Applicant submits that none of the applied prior art, alone or in any properly reasoned combination, discloses the seal member being positioned within a recess surrounding an upper and lower portion of the die mounting hole, as recited in amended claim 4

Applicant further submits that independent claims 13-17, as amended, are generally similar to independent claim 4 in that they generally recite, inter alia, the seal member being positioned within a recess surrounding the upper and the lower portion of the die mounting hole. Therefore, claims 13-17 are allowable for at least reasons generally similar to claim 4 as discussed *supra*.

In regard to the rejections of claims 9 and 10, Applicant submits that none of the applied prior art, alone or in any properly reasoned combination, discloses each and every element as recited in amended claims 9 and 10.

More specifically, claims 9 and 10 recite a die body including, inter alia, an inflow port, configured to introduce compressed fluid into the inclined air injection hole, being positioned above an outlet of the air injection hole with respect to a vertically extending direction of the die body.

In this regard, the Examiner does not assert that KEYES or BEZAMA discloses the above-noted feature. Further, Applicant submits that none of the applied prior art, including JP '966 and ANDRUSCH, the above noted features for reasons discussed supra.

Accordingly, the rejection of claims 1-4 and 6-17 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

In view of the arguments herein, Applicant submits that independent claims 1, 4, 6, 9, 10 and 13-17 are in condition for allowance. With regard to dependent claims 2, 3, 7, 8, 11 and 12, Applicant asserts that they are allowable on their own merit, as well as because they depend from independent claims 1, 6 and 10 which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY


Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicant submits that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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